

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOSEPH PUCKETT,)	CV F 05 0277 REC DLB
)	
)	
Plaintiff,)	ORDER VACATING FINDINGS AND
)	RECOMMENDATION
v.)	(Document 7)
)	
CHIEF OF POLICE DYER,)	ORDER DIRECTING PLAINTIFF TO FILE
OFFICER VAN HALEN,)	USM-285 FORMS
)	
)	
Defendants.)	

Plaintiff, appearing pro se and proceeding in forma pauperis, filed the instant complaint pursuant to 42 U.S.C. § 1983 on February 24, 2005.

On May 9, 2005, the Court issued Findings and Recommendation that the complaint be dismissed based on Plaintiff's failure to obey the Court's April 1, 2005, order and for failure to prosecute the action.

Plaintiff filed objections on May 23, 2005. He explained that he had attempted to send a notice of change of address to the Court and that he did not always get his mail at his previous address. On May 24, 2005, Plaintiff filed his change of address, indicating that he is no longer incarcerated.

Due to the possibility that Plaintiff did not receive correspondence from this Court, the Court VACATES the May 9, 2005, Findings and Recommendation.

In the April 1, 2005, order, the Court explained that the complaint appeared to state a

1 cognizable claim for relief under 42 U.S.C. § 1983. Pursuant to this finding, IT IS HEREBY
2 ORDERED that:

3 1. Service is appropriate for the following Defendants:

4 Fresno Chief of Police Dyer

5 Fresno Police Officer Van Halen

6 2. The Clerk of the Court shall send Plaintiff two USM-285 forms, two summons, an
7 instruction sheet and a copy of the complaint filed February 24, 2005.

8 3. Within THIRTY (30) DAYS from the date of this Order, Plaintiff shall complete
9 the attached Notice of Submission of Documents and submit the completed
10 Notice to the Court with the following documents:

11 a. Completed summons;

12 b. One completed USM-285 form for each defendant listed above; and

13 c. Three copies of the endorsed complaint filed February 24, 2005.

14 4. Plaintiff need not attempt service on Defendants and need not request waiver of
15 service. Upon receipt of the above-described documents, the Court will direct the
16 United States Marshal to serve the above-named Defendants pursuant to Federal
17 Rule of Civil Procedure 4 without payment of costs.

18 5. The failure to comply with this Order will result in a Recommendation that this
19 action be dismissed.

20
21 IT IS SO ORDERED.

22 **Dated: January 31, 2006**
23 3b142a

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE